

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DANIEL STORM,)	CASE NO. 4:08CV1690
)	
PLAINTIFF,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
BUREAU OF PRISONS, et al.,)	ORDER
)	
)	
DEFENDANTS.)	

This matter is before the Court upon Defendants’ Motion to Dismiss. (Dkt. # 11). On February 11, 2009, this Court issued an order assigning this case to Magistrate Judge James S. Gallas for general pretrial supervision. (Dkt. # 13). On April 14, 2009, the Magistrate Judge issued an Interim Report and Recommendation recommending that Plaintiff Daniel Storm (“Storm”) amend his Complaint within 30 days to include sufficient alternative allegations to provide a jurisdictional statement based on something other than the Federal Tort Claims Act. (Dkt. # 15). The Magistrate Judge further recommended that if Storm fails to amend with a sufficient jurisdictional statement, the Complaint shall be dismissed without prejudice. *Id.*

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service. Storm and Defendants have failed to timely file any such objections. Therefore, the Court must assume that Storm and Defendants are satisfied with the Magistrate Judge’s recommendation. Any further

review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Interim Report and Recommendation of Magistrate Judge Gallas is hereby **ADOPTED**. (Dkt. # 15). Defendants' Motion to Dismiss shall be held in abeyance. (Dkt. # 11). Storm shall amend his Complaint by Friday, May 29, 2009 to include sufficient alternative allegations to provide a jurisdictional statement based on something other than the Federal Tort Claims Act. If Storm fails to amend with a sufficient jurisdictional statement, the Magistrate Judge shall recommend whether the Court should dismiss the Complaint without prejudice.

IT IS SO ORDERED.

/s/ Peter C. Economus – April 29, 2009
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE